IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Bail Appl..No. 7088 of 2006()

IN CRIME C.R. NO. 15/06 OF CHANGANACHERRY RANGE

PETITIONER/ACCUSED

MOHANAN (LICENSE OF T.C.NO.51/2006/07
OF CHANGANACHERRY RANGE),
PARAMBUKATTIL, NEDUMKUNNAMKARA VILLAGE,
CHANGANACHERRY TALUK.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS: STATE

STATE OF KERALA,
REP. BY ITS PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

- - - - - - - - - - - - - - - - -

Bail Application NO. 7088 of 2006

- - - - - - - - - - - - - - - - -

DATED: 01-12-2006

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner who is the 2nd accused in C.R. No. 15/2005 of Changanacherry Excise for offences punishable under Secs. 55(a), 8(1) and 8(2) I.P.C., seeks anticipatory bail.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor.

3. Eventhough the learned Public Prosecutor opposed the application, having regard to the fact, as revealed by Annexures I and II produced along with this petition, the petitioner was a patient for malignant cancer and hospitalised from 11-09-2006 and 25-10-2006 and that there is nothing discernible to indicate that the offence committed by A1 on 19-10-2005 was with the knowledge or connivance of the petitioner. Admittedly no offence was committed prior to 11-9-2006 and subsequent to 25-10-2006. Hence, I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the investigating officer concerned to release the petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs. 25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the said officer and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. Petitioner shall not commit any offence while on bail.

5. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

Sd/- **V.RAMKUMAR,**
JUDGE.

/true copy/

P.A. to Judge.

ani.